

No. 3214

Superior Court,  
of ~~Idaho~~  
County of ~~Idaho~~  
STATE OF CALIFORNIA

Jas Miles  
Plaintiff

vs.  
H N P. ~~Idaho~~  
et al  
Defendants

Judgment  
Filed July 8th / 1918  
J. E. Rubin  
Clerk  
By E. A. E. ~~Idaho~~  
Deputy Clerk

Due service of the within  
by copy is hereby admitted this  
day of 191

Attorney for

McCOY & GANS

Attorneys for

Red Bluff, California

187-Book E

# 3214

In the Superior Court  
Of the County of Tehama, State of California

James A. Wells  
vs.  
H. M. Pritchard  
et al

County of Tehama, ss.

I, H. G. KUHN, County Clerk of the County of Tehama, State of California, and ex-officio Clerk of the Superior Court thereof, do hereby certify the foregoing to be a true copy of the Judgment entered in the above entitled cause, and recorded in Judgment Book "E" of said Court, at page 184. And I further certify that the foregoing papers hereto annexed constitute the Judgment Roll in said cause.

Witness my hand and Seal of said Superior Court

this 8<sup>th</sup> day of July

A. D. 1913

H. G. Kuhn  
Clerk.

By C. A. Whield  
Deputy Clerk.

IN THE SUPERIOR COURT OF THE COUNTY OF ALABAMA,  
STATE OF CALIFORNIA.

1 James A. Wells, G.E. Childs, H.L. Bouton, C.W. Cookrich,  
2 J.H. Crocker, John Hayer, Mrs. I.E. Greshaw, adminis-  
3 tratrix of the estate of Martha Darlow, deceased,  
4 Birdie H. Blodgett, S.D. Pruden, A.T. Forward, Frank  
5 Forward, William Welch, F.H. Benton, Mrs. A. DeLafont-  
6 anya, W.S. Bramlett, Frank Williams, Robert B. Ellis,  
7 Nancy Ellis, J.E. Edwards, J.V. Maler, I.E. Greshaw,  
8 W.J. Harrison, C.A. Baker, F.W. Graham, Nettie H. Gra-  
9 ham, H.L. Fulbright, James L. Cofer, Willis H. Stone,  
10 H.H. Crocker and Lillie E. Cofer, Plaintiffs.

vs.

11 H.H. Britchard, Thomas Britchard, L.A. Bergin, H.A.  
12 Randall, E. Randall and E.F. Mounts, Defendants.

JUDGMENT BY COURT.

13 This cause came on regularly for trial on the 12th day of March,  
14 1913, McCoy & Gans appearing as Attorneys for the Plaintiffs, and W.  
15 A. Fish appearing as Attorney for the Defendants H.H. Britchard, Thomas  
16 Britchard and L.A. Bergin, and F.L. Andrews appearing as Attorney for  
17 the Defendants E.F. Mounts, and no one appearing for the Defendants  
18 H.A. Randall and E. Randall. On motion of said Counsel for the Plaint-  
19 iffs the action was dismissed as to said Defendants H.A. Randall and  
20 E. Randall. On motion of Counsel for Plaintiffs also the following  
21 substitutions as to Plaintiffs were made, to wit: Birdie H. Blodgett  
22 for I.E. Blodgett; S.D. Pruden for Emma B. Yager; J.E. Edwards for Mrs.  
23 Virginia Gibbins.

24 A trial by jury having been waived by the parties, the cause was  
25 tried before the Court without a jury, where-upon witnesses upon the  
26 part of Plaintiffs and Defendants were duly sworn and examined, and  
27 documentary evidence introduced by the respective parties, and a stip-  
28 ulation having been filed <sup>by</sup> said Attorneys for Plaintiffs and by  
29 said F.L. Andrews on behalf of Defendants E.F. Mounts, that judgment  
30 might be entered in accordance with said stipulation, and the evidence  
being closed, the cause was submitted to the Court for consideration  
and decision; and Findings of Fact having been specially waived by  
the respective parties and by their said Attorneys; the Court does

0 hereby order, adjudge and decree as follows:

CO 1. That said Plaintiffs are the owners of certain water ditches  
1 taken from that certain stream known as Digger Creek described in their  
2 complaint, and of the right to take and divert from said Digger Creek  
3 the waters thereof at the heads of their said ditches, respectively,  
4 and to use said waters upon their lands set forth and described in  
5 said complaint for irrigation and for other useful purposes thereon,  
6 and that for many years last past said Plaintiffs and their preces-  
7 sors in interest have taken and diverted and appropriated from said  
8 Creek all of the waters thereof at the heads of their said ditches,  
9           , during the dry season and during the season of low  
10 water in said Creek.

11 That said Plaintiffs are entitled to all of the waters of said  
12 Digger Creek for said uses and purposes, except as hereinafter adjudg-  
13 ed and decreed to the Defendants.

14 2. That Defendant E.F. Mounts is the owner of the North Half  
15 of the North Half of Section 19, in Township 30 North of Range 3 East  
16 N.D.M., and that he has the right to take and divert from <sup>the North Fork of</sup> said Digger  
17 Creek, during the months of July, August and September of each year,  
18 for the irrigation of his said land and for other uses thereon ten (10)  
19 inches of water measured under a four-inch pressure, and no more; and  
20 that during the remainder of each year said Defendant has the right  
21 to take and divert from said North Fork of Digger Creek for said uses  
22 and purposes Twenty-five (25) inches of water measured under a four-  
23 inch pressure, and no more; said water so used by him, or any surplus  
24 thereof, is to be returned to said Creek as soon as practicable after  
25 such use by him.

26 3. That Defendant E.A. Bergin is the owner of the Northwest Quarter  
27 of the Northwest Quarter of Section 26, in Twp. 30, N.R. 2 E., N.D.M.,  
28 said land lying upon said Digger Creek and being riparian thereto.  
29 That said E.A. Bergin is the owner of a water ditch taken from the  
30 north side of said Digger Creek for the irrigation of that portion of  
said forty acres of land lying on the north side of said Creek, and

1      have the right to divert from said Creek and in and through said  
2      ditch twenty (20) miners inches of water, and no more, for the  
3      irrigation of said portion of said forty acres of land lying  
4      north of said Creek. That said L. A. Bergin is the owner of a  
5      water ditch taken from the south side of said Digger Creek for  
6      the irrigation of that portion of said forty acres of land  
7      lying on the south side of said creek, and has the right to take  
8      and divert from said creek and in and through said ditch fifty  
9      (50) miners inches of water, and no more, for the irrigation of  
10     said portion of said forty acres of land lying south of said  
11     creek and for other useful purposes thereon.

12             Said Bergen may when actually engaged in irrigating his said  
13     lands north of said creek take out of said creek a larger amount  
14     of water than 20 inches, and in all not exceeding 40 inches, to  
15     irrigate said lands on said north side of the creek, at the same  
16     time diminishing the amount flowing in his ditch on south side of  
17     the creek to the extent of the excess of 20 inches flowing in  
18     north ditch. The privilege thus to use more than 20 inches of  
19     water on north side of said creek to cease when the lands on  
20     north side and <sup>side</sup> south are no longer owned by the same person.

21             That said Bergen shall so use the said water in and through  
22     the said ditches that the same shall return to said Creek before  
23     leaving his said land.

24             4. That Defendant Thomas J. Pritchard is the owner of the  
25     south-east quarter of Section Twenty-one and the South-west quarter  
26     of Section Twenty-two, in Twp. 30, N. R. 2 E. M. D. M. That  
27     said Thomas J. Pritchard is the owner of a water ditch taken from  
28     the north side of said Digger Creek for the irrigation of port-  
29     ions of said described lands, and has the right to take and  
30     divert from said Creek and in and through said ditch One  
31     Hundred twenty-five (125) miners inches of water, and no more,  
32     for irrigation and for other useful purposes on said lands.

            That said Thomas J. Prichard shall use the said water from

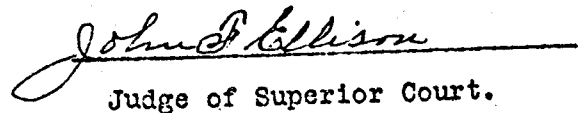
1 ~~from~~ said creek as the same has been heretofore used by him, to-wit,  
2 upon those portions of said lands which slope toward said Digger  
3 Creek, so that any surplus or wastex water from said use shall  
4 flow back into said Creek, and any such surplus or waste water  
5 shall not be conducted beyond <sup>his</sup> said lands.

6 5. That Defendant H. N. Pritchard is the owner of the north-  
7 west quarter of the north-east quarter, the north-half of the  
8 north-west quarter and the south-west quarter of the north-west  
9 quarter of Section 28, in Twp. 30, N. R. 2 E. M. D. M. That said  
10 H. N. Pritchard is the owner of a water ditch taken from the  
11 south side of said Digger Creek for the irrigation of a portion  
12 of said lands lying along said creek and has the right to take  
13 and divert from said creek and in and through said ditch eighteen  
14 (18) miners inches of water, and no more, for irrigation and for  
15 other useful purposes on those portions of said lands, lying  
16 along and riparian to said creek.

17 That said H. N. Pritchard shall use the said water from said  
18 creek as the same has been heretofore used by him, to-wit; upon  
19 those portions of said lands which lie along and slope toward  
20 said creek, so that any surplus or waste water shall flow back  
21 into said creek.

22 6. That no party to this action shall recover costs.

23 Done in open Court, this 7 day of June, 1913.

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26 Judge of Superior Court.

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